

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE: AQUEOUS FILM-FORMING FOAMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2:18-mn-2873-RMG

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiffs named herein through Exhibit A file this Short Form Complaint and Jury Demand against Defendants named below by and through their undersigned counsel and as permitted by Case Management Order (“CMO”) No. 35. This Short Form Complaint is being utilized, permitted and filed in the interests of judicial economy and takes an abbreviated form. Whether and when there will be non-short form complaints and answer(s) will be the subject of further discussions among counsel and the Court. Plaintiffs’ Leadership and Defendants’ Leadership have stipulated and agreed that at this time and until further Order of the Court, they will not assert that any Short Form Complaint (1) fails to state a cognizable cause of action, (2) fails to state a claim upon which relief may be granted, (3) fails to plead allegations with sufficient particularity, or (4) any other defenses related to insufficiency of pleadings. Plaintiffs’ Leadership and Defendants’ Leadership have further stipulated and agreed that until further Order of the Court, they will not file motions pursuant to Rule 12(b)(6) against any filed Short Form Complaints asserting a failure to plead allegations with specificity, or failing to meet the requirements of Fed. R. Civ. P. 8. Motion practice on the individual personal injury Complaints subject to this Order shall be stayed and may proceed only upon leave of Court and with the protections afforded under CMO 35. Use of this Short Form Complaint will not be permitted after the expiration of the Filing Facilitation Window as set forth by this Court in CMO 35.

Plaintiffs

1. Plaintiffs listed in attached Exhibit A allege exposure to Perfluoroalkyl and Polyfluoroalkyl Substances (“PFAS”) due to Aqueous Film-Forming Foam (“AFFF”). As a result of exposure to AFFF, Plaintiffs (and/or Decedents) endured pain and suffering, emotional distress, mental anguish, economic injuries, and personal injuries as described below.
2. Plaintiffs allege the plaintiff-specific information listed in Exhibit A.

Defendants

3. Plaintiffs bring suit against the following defendants (list all defendants being named):

Defendant 1	
Defendant 2	
Defendant 3	
Defendant 4	
Defendant 5	
Defendant 6	
Defendant 7	
Defendant 8	
Defendant 9	
Defendant 10	
Defendant 11	
Defendant 12	
Defendant 13	
Defendant 14	
Defendant 15	
Defendant 16	
Defendant 17	
Defendant 18	
Defendant 19	
Defendant 20	
Defendant 21	
Defendant 22	
Defendant 23	
Defendant 24	
Defendant 25	
Defendant 26	
Defendant 27	

Defendant 28	
Defendant 29	
Defendant 30	

Jurisdiction and Venue

4. Plaintiff alleges jurisdiction based on:

- ☐ Diversity
- ☐ Federal Question
- ☐ The “Mass Action” provisions of the Class Action Fairness Act (“CAFA”), which include the requirements under 28 U.S.C. § 1332(d)(11)
- ☐ Other: _____.

5. Plaintiffs designate the District Courts indicated on Exhibit A as the “Home Venue” defined as the proper venues of origin where the claim(s) could have otherwise been brought pursuant to 28 U.S.C. § 1391.

Plaintiff's Allegations of Exposure

6. Plaintiffs allege exposure to PFAS, as described in Exhibit A, as a result of:

- Direct exposure to AFFF (i.e. use or handling of AFFF); and/or
- Exposure to drinking water contaminated with PFAS as a result of AFFF; and/or
- Exposure to turnout gear (“TOG”) containing PFAS.

The specific exposure alleged by each plaintiff is indicated in Exhibit A.

Plaintiff's Alleged Injuries

7. Plaintiffs allege one more of the following personal injuries as described in Exhibit A:

Kidney Cancer
Testicular Cancer
Thyroid Disease
Ulcerative Colitis
Liver Cancer
Thyroid Cancer

8. Plaintiffs have not described or alleged secondary injuries, damages, or sequela of the injuries alleged above. Plaintiffs reserve the right to seek damages for all such secondary injuries, damages, or sequela attributable to the injuries alleged above.

Causes of Action

9. The specific causes of action Plaintiff(s) can adopt(s) and incorporate(s) by reference as if set forth fully herein, are the following Causes of Action, of which each Plaintiff on Exhibit A adopts and alleges such Causes as indicated on Exhibit A:

Count I – Defective Design
Count II – Failure to Warn
Count III – Negligence
Count IV – Negligence Per Se
Count V – Trespass and Battery
Count VI – Strict Product Liability
Count VII – Market Share Liability, Alternative Liability, Concert of Action, and Enterprise Liability
Count VIII – Concealment, Misrepresentation, and Fraud
Count IX – Conspiracy
Count X – Wrongful Death
Count XI – Loss of Consortium

Other Causes of Action:

Count XII – _____
Count XIII – _____
Count XIV – _____
Count XV – _____
Count XVI – _____
Count XVII – _____
Count XVIII – _____
Count XIX – _____
Count XX – _____
Others _____

Jury Demand

10. Plaintiffs demand a trial by jury as to all claims in this action.

Date: _____

Respectfully Submitted,

Exhibit A to Short Form Complaint in *In re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873¹

	Plaintiff Name (<i>if injured party is deceased or incapacitated, style as "Plaintiff Name o/b/o Injured/deceased Party Plaintiff Name"</i> ²)	DOB (of injured party)	State of Residence	Home venue (per ¶ 5)	Direct Exposure to AFFF (per ¶ 6)	Exposure to Contaminated Drinking Water	Firefighter Turnout Gear	Alleged Injury/ies (per ¶ 7) (only include: kidney cancer; testicular cancer; thyroid disease; ulcerative colitis; liver cancer; and/or thyroid cancer)	Causes of Action (please indicate via Count number) (per ¶ 9)
1.									
2.									
3.									
4.									
5.									
6.									
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9.									
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14.									
15.									
16.									
17.									
18.									
19.									
20.									

¹ Plaintiffs must be listed alphabetically by last name first, then first name. For example: Doe, John.

² No more than 150 plaintiffs may be listed. A spousal plaintiff with a loss of consortium claim is considered and will count as a separate plaintiff for this purpose, and the spouse should be listed beneath the plaintiff whose alleged injury gives rise to the spouse's claim/s.

[illegible]

120.

[illegible]